

**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission

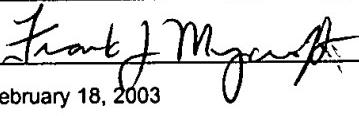
Application Number	09/462,682
Filing Date	April 28, 2000
First Named Inventor	FitzGerald, David
Art Unit	1645
Examiner Name	Portner, Virginia Allen

Attorney Docket Number

015280-310100US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
		Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Townsend and Townsend and Crew LLP Frank J. Mycroft	
Signature		
Date	February 18, 2003	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: February 18, 2003

Typed or printed	Masha M. Martinenko		
Signature		Date	February 18, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 730)

METHOD OF PAYMENT (check all that apply)

- Check Credit Card MoneyOrder Other None
 Deposit Account:

Deposit Account Number 20-1430

Deposit Account Name Townsend and Townsend and Crew LLP

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fees from below	Fee Paid
	-** =	X =	
Independent Claims	-** =	X =	
Multiple Dependent		X =	

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

Complete if Known

Application Number	09/462,682
Filing Date	April 28, 2000
First Named Inventor	FitzGerald, David
Examiner Name	Portner, Virginia Allen
Group Art Unit	1645
Attorney Docket No.	015280-310100US

TECH CENTER 1600

FEB 27 2003

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	
1051 130	2051 65		Surcharge - late filing fee or oath	
1052 50	2052 25		Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130		Non-English specification	
1812 2,520	1812 2,520		For filing a request for reexamination	
1804 920*	1804 920*		Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*		Requesting publication of SIR after Examiner action	
1251 110	2251 55		Extension for reply within first month	
1252 410	2252 205		Extension for reply within second month	410
1253 930	2253 465		Extension for reply within third month	
1254 1,450	2254 725		Extension for reply within fourth month	
1255 1,970	2255 985		Extension for reply within fifth month	
1401 320	2401 160		Notice of Appeal	320
1402 320	2402 160		Filing a brief in support of an appeal	
1403 280	2403 140		Request for oral hearing	
1451 1,510	1451 1,510		Petition to institute a public use proceeding	
1452 110	2452 55		Petition to revive - unavoidable	
1453 1,300	2453 650		Petition to revive - unintentional	
1501 1,300	2501 650		Utility issue fee (or reissue)	
1502 470	2502 235		Design issue fee	
1503 630	2503 315		Plant issue fee	
1460 130	1460 130		Petitions to the Commissioner	
1807 50	1807 50		Petitions related to provisional applications	
1806 180	1806 180		Submission of Information Disclosure Stmt	
8021 40	8021 40		Recording each patent assignment per property (times number of properties)	
1809 750	2809 375		Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 750	2810 375		For each additional invention to be examined (37 CFR § 1.129(b))	
1801 750	2801 375		Request for Continued Examination (RCE)	
1802 900	1802 900		Request for expedited examination of a design application	
Other fee (specify) _____				

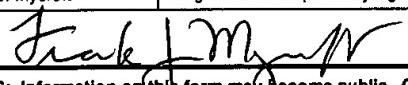
*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$)730

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Frank J. Mycroft Registration No. (Attorney/Agent) 46,946 Telephone 925-472-5000

Signature  Date February 18, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. V



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Box AF
Assistant Commissioner for Patents
Washington, D.C. 20231

On February 18, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Marsha M. Montenack

#18
APR 3 2003
AMENDMENT UNDER 37 CFR 1.116
EXPEDITED PROCEDURE —
EXAMINING GROUP 1645

PATENT
Attorney Docket No.: 015280-310100US
Client Ref. No.: E-0579-1

FEB 27 2003
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RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FITZGERALD, David J.

Application No.: 09/462,682

Filed: April 28, 2000

For: PSEUDOMONAS EXOTOXIN A-
LIKE CHIMERIC IMMUNOGENS

Examiner: Portner, Virginia Allen

AMENDMENT UNDER 37 CFR 1.116
EXPEDITED PROCEDURE EXAMINING
GROUP 1645

Box AF

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Final Office Action mailed on September 16, 2002, Applicant submits the following Amendments and Remarks with a request for reconsideration and respectfully requests their entry.

Applicant has separately filed a petition for an extension of time to the present date with payment of the appropriate fee. Applicant has also filed a Notice of Appeal.

AMENDMENTS

In the Claims

Please cancel claims 9, 24, 25, 44 and 45 without prejudice.

Please amend claim 1 to recite as follows:

D425
Amer
4/17/03
P-2

JW
Dyer
Enc
4/17/03
P-2